



Paper No. 4

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OFFICE OF PETITIONS

In re Application of :
Bechtel et al. : DECISION GRANTING
Application No. 10/068,540 : PETITION
Filed: 6 February, 2002 :
Attorney Docket No. GEN10 P-415 :

This is a decision on the petition under 37 CFR 1.10(c), filed on 29 March, 2002, requesting that the above-identified application be accorded a filing date of 6 February, 2002, rather than the presently accorded filing date of 8 February, 2002.

Petitioners allege that the application was deposited in Express Mail service on 6 February, 2002. In support, on 29 March, 2002, petitioners supplied a copy of Express Mail Label No. EV037477632US (the same Express Mail number found on the itemized transmittal letter accompanying the original application papers located in the official file). The "Date-in" on the Express Mail Label is 2/6/02.

The Office considers the date the paper or fee is shown to have been deposited in "Express Mail" to be the "Date-in" on the Express Mail label.¹ That is the date that verifies that the package was actually mailed. In view of the above, the evidence is convincing that the application was deposited as "Express Mail" with the U.S. Postal Service on 6 February, 2002. It is also noted that the original application papers in the official file bear a USPTO stamp dated 2/6/02. It appears that the filing date was incorrectly entered as 8 February, 2002, in Office PALM records.

In view of the above, the petition is granted. No petition fee is required and none has been charged.

¹MPEP 513.

The application is being returned to the Office of Initial Patent Examination (OIPE) for correction of the filing date to 6 February, 2002, and for issuance of a corrected Filing Receipt. Thereafter, the application will be forwarded to Technology Center 2800 for examination in due course.

Telephone inquiries specific to this matter should be directed to the undersigned at (703) 308-6918.

A handwritten signature in black ink, appearing to read "D. Wood", with a long horizontal stroke extending to the right.

Douglas I. Wood
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy